

**REMARKS**

This Amendment is in response to the Office Action dated **September 22, 2003**, wherein claims 1, 2, 4-6, 8, 9 and 18-22 were rejected and claims 3, 7 and 10-17 were withdrawn.

The following comments are presented with the same section headings and in the same order as the Office Action.

**Election/ Restrictions**

Applicants acknowledge the withdrawal of claims 3, 7, 12 and 16. In the Office Action claims 10, 11, 13-15 and 17 were withdrawn as being directed to a non-elected species. In response Applicants respectfully assert that the withdrawal of claims 10, 11, 13-15 and 17 is in error as the recited features are present in the elected species corresponding to FIGs. 5 and 6.

Instant claim 10 recites that “each serpentine band having a plurality of peaks and troughs, all of the peaks longitudinally aligned with one another, all of the troughs longitudinally aligned with one another”. In the Office Action it is also stated that the specification defines “the longitudinal axis as extending non-parallel to the elongate portions of the connectors” and that this feature is not shown in FIGs. 5 and 6, “i.e. the all peaks and troughs of adjacent bands are not longitudinally aligned.”

The recitation of claim 10 requires that in a given serpentine band all of the peaks are longitudinally aligned with one another and all of the troughs are longitudinally aligned with one. In the embodiments shown in FIGs. 5 and 6 it is clearly show that in a given serpentine band 208 all of the peaks 211 have the same longitudinal length, and thus alignment as one another, and likewise all of the troughs 209 of a given serpentine band 208 have the same longitudinal length, and thus alignment as one another as one another.

As to the statement in the Office Action regarding the longitudinal axis: “the longitudinal axis as extending non-parallel to the elongate portions of the connectors” this is also the case in the embodiments shown in FIGs. 5 and 6, particularly when it is recognized that the second serpentine band 206 as described in the specification is understood to include all of the elements of the wishbone connectors recited in the instant claim.

Though the specification describes element 206 as a serpentine band “of a geometry different than the first serpentine band” (page 7, lines 24-26) one of ordinary skill when reviewing the entire Application as a whole will recognize that a serpentine band 206 is equal to the elongate portions of the plurality of wishbone connectors recited in the instant claim. More specifically, it will be recognized that though labeled as a serpentine band 206, the relevant feature includes a plurality of wishbone connectors as recited in instant claim 10, particularly in light of the presence of serpentine bands 208. In claim 10, as in the embodiments shown in FIGs. 5 and 6, a band 206 includes wishbone connectors, wherein each wishbone connector connects two serpentine bands 208 which are adjacent one another and has an elongate portion (second struts 213) which is disposed between the two serpentine bands 208 and does not overlap longitudinally with either of the two serpentine bands 208, the elongate portion having a proximal end and a distal end, the proximal end having two legs extending therefrom (218a and 218b) to one of the two serpentine bands and the distal end having two legs extending therefrom (216a and 216b) to the other of the two serpentine bands.

In light of the above, it is clear that the recited features of claim 10 are shown in the elected species of FIGs. 5 and 6. As such, Applicant respectfully requests reconsideration of the withdrawal of claims 10, 11, 13-14 and 17.

In addition to the above, Applicants have amended claim 10 to describe that the two legs extending from the proximal end of the elongate portion of each wishbone connector are circumferentially and longitudinally displaced from the two legs extending from the distal end of the elongate portion of the wishbone connector.

### **Drawings**

In the Office Action the drawings were objected to as failing to show the peaks and troughs. In response, Applicants have included herewith a proposed replacement for FIG. 1 wherein peaks 109 and troughs 211 are shown, such as described in the specification (page 5, lines 23-24). A marked copy of the proposed drawing correction wherein the added reference numerals and lead lines are shown in red ink, as well as a clean copy, are included herewith.

**Claim Rejections – 35 U.S.C. §112**

In the Office Action claim 6 was rejected under 35 U.S.C. §112, second paragraph. In light of the cancellation of claim 6, the rejection is rendered moot.

**Claim Rejections – 35 U.S.C. §102**

In the Office Action claims 1, 2, 4-6, 8, 9 and 18-22 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 6,019,789 to Dinh et al (Dinh).

Claim 1 has been amended to include all of the elements of claim 6. Claim 6 has been cancelled.

As shown above, claim 1 describes the wishbone connectors as having an elongate portion having a proximal end and a distal end. The proximal end has two legs extending from the proximal end to one of the two serpentine bands and has two legs extending from the distal end to the other of the two serpentine bands. The two legs which extend from the proximal end of the elongate portion of each wishbone connector are circumferentially and longitudinally displaced from the two legs which extend from the distal end of the elongate portion of the wishbone connector.

In Dinh, the structures shown in the various figures which the Examiner views as being “wishbone connectors” appear to have two legs extending from the proximal end of the elongate portion and two legs extending from the distal end of the elongate portion. However, in all of the various embodiments shown and described in Dinh, the legs extending from the proximal end of the elongate portion and the legs extending from the distal end of the elongate portion are aligned longitudinally as well as circumferentially in contrast to the recitation of the instant claim. As such it is clear that Dinh fails to teach all of the elements of the instant claims.

In light of the above the rejection to claims 1, 2, 4-6, 8, 9 is respectfully overcome.

In regard to the rejection to claims 18-22, the Office Action points to FIG. 6C of Dinh as teaching all of the elements of the instant claims. The embodiment depicted in FIG. 6C of Dinh is interpreted by the Office Action as having a first serpentine band 172 and a second serpentine band 178 of a different geometry than the first serpentine band, wherein a pair of connectors extend distally from the second serpentine band to a distally adjacent first serpentine

band, and a pair of connectors extend proximally from the second serpentine band to a proximally adjacent first serpentine band. Unlike Dinh however, instant claim 18, as recited above requires that the two or more first connectors are circumferentially and longitudinally offset from the two or more second connectors. Dinh fails to teach such an element. As a result the rejection is respectfully overcome.

**CONCLUSION**

In view of the foregoing it is believed that the present application, with claims 1, 2, 4-5, and 7-14 and 16-22 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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